

## **The Town of Lexington Rules and Regulations to implement 520CMR 14.00**

### **Authority**

The Board of Selectmen has selected the Engineering Department approving authority to oversee the implementation of the Trench Permit and to issue permits and perform any obligations pursuant to the statute and regulations.

The Engineering Department shall be responsible for the implementation and enforcement of 520 CMR 14.00.

### **Permitting Process**

Permitting of Trenches within the Town of Lexington shall be done as follows.

The permit application can be obtained in engineering and also be found here:

**<http://www.lexingtonma.gov/DPW/applicationspermits.cfm>**

The applicant must print and fill the form out completely, with proper telephone numbers and addresses for applicants, property owners, and competent person in charge. The application must also include the Dig Safe number and insurance information. Once complete it must be signed by the property owner as well as the excavator signature and submitted it to the Engineering Department with the permit fee of \$50.00.

Engineering will issue a permit after the application is received and reviewed.

Signing the application means that all parties involved have read and understand the regulations and all OSHA requirements.

### **Responsibility**

Any applicant, property owner, or competent person shall individually and or together be responsible for the safety of the excavation of the trench. If a violation is found at the site it is the responsibility of the permit holder / property owner / competent person to immediately correct the violation. If correction is not done immediately the Town will implement the safety measures necessary to make safe the trench, at the permit holder's / property owner's expense. The violation information will be forwarded to the Department of Public Safety for further action.

### **The Town's ability to recover costs incurred**

In the event the Town of Lexington is notified of a violation of the Trench Regulations, the approving authority shall investigate or cause to have the violation inspected. If during the inspection that a non-permitted or an unattended trench is found, and it is determined that said trench is unsafe, the approving authority is authorized to take any necessary action to make said trench safe. The permit holder and or property owner shall be assessed any costs associated with the action taken to make the trench safe; including but not limited to the cost to backfill, barricade - with proper fencing - , cover - with a metal plate -, or post a police detail at the site. The costs shall include but are not limited to any equipment, materials needed and any employee time/overtime incurred by the Town of Lexington to secure the trench.

### **Definitions**

**Competent Person:** Capable (i.e., trained and knowledgeable) in identifying existing and predictable hazards in the trench, and other working conditions which may pose a hazard to workers, and

Authorized by management to take necessary corrective action to eliminate the hazards. Employees must be removed from hazardous areas until the hazard has been corrected.

**Trench:** An excavation made below the surface of the ground, narrow in relation to its length.

In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet

Trench Law: MGL 82a <http://www.mass.gov/legis/laws/mgl/gl-82a-toc.htm>

520 CMR 14.00 [http://www.mass.gov/Eeops/docs/dps/inf/520\\_cmr\\_14\\_trench\\_emergency.doc](http://www.mass.gov/Eeops/docs/dps/inf/520_cmr_14_trench_emergency.doc)